

PLANNING BOARD MINUTES

April 4, 2016

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:05 P.M. in the Town Hall Auditorium. Present at the meeting were, Robert Fowler, Nancy Reed, Vincent Fratalia, Keith Anderson, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

Reorganization

Mr. Sadwick took nominations for Chairman.

MOTION - Mr. Anderson made a motion to appoint Stephen Johnson as Chairman. The motion was seconded by Mr. Fratalia and voted 3-0. Mr. Johnson and Mrs. Reed abstained from voting.

MOTION - Mr. Anderson made a motion to appoint Robert Fowler as Vice Chairman. The motion was seconded by Mr. Fratalia and unanimously voted 5-0

MOTION - Mr. Anderson made a motion to appoint Vincent Fratalia as Clerk. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

Mr. Johnson stated that there is a new Zoning Bylaw Subcommittee being formed and both Mr. Fowler and Mrs. Reed have expressed interest. Mr. Johnson will ask the Board of Selectmen if there can be two Planning Board members or one member and one associate member with a stipulation that if the regular member is not present, the associate member can act in their place and vote. Mr. Fowler stated that he would agree to that, as members of this Board we have spent so much time on zoning that we should have two members.

MOTION - Mr. Fowler made a motion to appoint Mrs. Reed as the Planning Board member to NMCOG, CPC and Local Housing Partnership and appoint Mr. Johnson as the Planning Board member to the EDC. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Mrs. Reed stated that there was also the Town Center Master Plan (TCMP) committee that needs a Planning member. Mr. Johnson stated that he is currently the member and would like to continue.

MOTION - Mr. Anderson made a motion to submit Nancy Reed as TCMP Planning Board appointment. The motion was not seconded.

MOTION - Mr. Fowler made a motion to submit Stephen Johnson as TCMP Planning Board appointment. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION - Mr. Anderson made a motion to authorize Mr. Johnson to send a letter to the Board of Selectmen requesting an additional Planning Board member to the Zoning Bylaw Subcommittee as a second regular member or associate member being allowed to vote if the regular member is not in attendance. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(A) Approval of Minutes – February 22, 2016

MOTION - Mr. Anderson made a motion to approve the Planning Board minutes of February 22, 2016 as presented. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

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(B) Committee Reports/Administrative Actions

(B1) Committee Reports

There were no committee reports.

(B2) Town Center Master Plan Committee Report

Mr. Johnson stated that the Town Center Master Plan Committee just finished the final recommendation and will be presenting to the Selectmen tomorrow night. They will be requesting to continue the committee's work and look at economic development next. They have requested that \$13,200 be transferred from the Hanover Mitigation Fund to the committee.

Mrs. Reed stated that she spoke with Mr. Pantalitis about the possibility of acquiring land around the town center. She saw a draft plan and was frustrated that the Planning Board was not informed of the meetings like they were supposed to be. This has not been an inclusive process and she is concerned with historic preservation and the Historic Commission has not been kept informed either. Mrs. Reed asked if that is the balance of the Hanover fund. Mr. Sadwick replied yes. Mrs. Reed stated that she was involved with getting the money from Hanover and this may not be the best use.

Mr. Fratalia asked what the money will get. Mr. Johnson replied that it will go towards taking care of the expanded scope. Mr. Fratalia stated that we talked about expanding the sidewalks in the center of town.

Mr. Fowler stated that he agrees with the expanding the sidewalks in the center including Pleasant Street, which was supposed to be taken care of last year. Mr. Johnson stated that they are not expanding the scope area and will stay in the TCOD district but they want to expand the direct focus. Mr. Anderson stated that the TCOD goes down to about 100 Pleasant Street and he is not sure how much \$13,200 is going to get us in sidewalks. Mr. Johnson stated that he will bring more information back after they meet with the Selectmen.

Mr. Sadwick added that the Wamesit Park bid came in higher even after the work that was done by the State. They are going to be requesting an additional \$32,000 from the CPA. The original bid was \$130,000. Mr. Sadwick stated that the Hanover agreement says the money is to be used for planning purposes.

(B3) Joan's Farm SPSP 2015-13 Clarification

Dick Cuoco and Arnie Martel appeared for a clarification in the Special Permit. In the Special Permit Provisions, under A it states that applicant will post a \$20,000 performance bond. Mr. Cuoco requested that the bond be posted prior to the occupancy of Building 4.

MOTION - Mr. Anderson made a motion that the \$20,000 performance bond be posted prior to the occupancy permit for Building #4. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(B4) ANR Livingston Street, Blue Spruce Lane, Magna Vista Circle

Dick Cuoco and Arnie Martel appeared for an ANR for Blue Spruce Lane and Magna Vista Circle. Mr. Cuoco stated that the ANR is for relocation of lot lines.

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Mrs. Reed stated that there looks to be a scrivener's error in Note #1. #58 should be #68. Mr. Cuoco replied that was correct. Mr. Fratalia, Mr. Fowler, Mr. Anderson and Mr. Johnson had no questions.

MOTION - Mr. Fowler made a motion to endorse the ANR with the correction of the scrivener's error from #58 to #68. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

(C) **2550 Main Street, Verizon Wireless Communications for Ronald White and Thomas Ratacik – Continued Special Permit**

MOTION - Mr. Anderson made a motion to continue the Special Permit for 2550 Main Street until April 25, 2016 at 7:05 PM. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(D) **Zoning Amendment Public Hearing for May 2, 2016 Annual Town Meeting**

Mr. Sadwick stated that there are seven zoning article for Town Meeting. The Planning Board has submitted five and two have been submitted by private residents.

MOTION - Mr. Anderson made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Article - Map 66, Lots 11 & 12 and Map 41, Lot 7 (Martel/Ginsburg)

Attorney Richard O'Neill, Dick Cuoco, Arnie Martel and Marc Ginsburg appeared for discussion. Attorney O'Neill stated that the purpose of the article is to change the zoning of the mentioned parcels from Office/Research (O/R) to Multi-Family District (MFD). This site was originally permitted for an office building, and then it became the proposed site for the casino. When that did not pass, it was sold to Mr. Martel and Mr. Ginsburg and they are proposing MFD. The size of the development will depend on the style of housing but the unit count would be between 125 – 260 units. They are looking at similar styles to Eagles Landing or Bella Woods. A notice was sent out to abutters in Tewksbury and Andover. We did receive one concern about buffers and they have stated that they would keep a 50' buffer zone from the abutters. This site is broken up into two elements due to the wetlands on site. There is 33.7 acres of total uplands. They would work with the Town on the affordability issue.

Mrs. Reed asked if these would be rentals. Mr. Ginsburg stated that they are not sure yet, but if they are rentals that would increase it to 25% and all of the units will count towards the housing stock.

Mr. Fratalia stated that if it is rezoned, what the preference is. Attorney O'Neill stated that they have not gotten that far in development but it would definitely be an affordable MFD option. Mr. Cuoco stated that they are not tied to one concept right now.

Mr. Anderson stated that he walked the property this past weekend and apartment style building would lend itself to more open space. Mr. Anderson stated that one plan he received this past weekend shows single family homes on one side and asked why. Mr. Cuoco stated that option was to keep the density down near the existing residential abutters. Mr. Anderson stated that he likes the area with access to the highway and the open space. Attorney O'Neill stated that they can take advantage of the Hanover project and utilize the traffic light. Mr. Anderson asked if there will be a traffic study done. Attorney O'Neill stated that one has not been done for this project but a traffic study was done for Ames Pond including a build out of a 400,000 SF office

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building. Mr. Cuoco stated that a traffic study would be part of a definitive submittal if this was approved. Mr. Anderson asked which option was preferred. Mr. Cuoco stated that we would need to evaluate the options if this gets approved. Attorney O'Neill stated that the market value of units at Bella Woods is \$575,000 so it provides good tax revenue.

Mr. Fowler asked what the deed states for the property line of the pond. Mr. Cuoco stated that the deed for the pond states that the property line is to the elevation of the water on top of the dam. Mr. Fowler asked if there would be access to the pond. Mr. Ginsburg stated that he hopes that the Town takes the pond when it's done. There are hundreds of access sites to the pond and he needs to keep the signs in order for liability. Mr. Ginsburg added that there would be fencing around this project. Attorney O'Neill stated that even with the highest density option it would be set back from Cardigan Road then a single family development. Mr. Ginsburg stated that they will be doing community outreach prior to filing.

Mr. Johnson asked what the setback would be to the closest house. Mr. Cuoco replied that the closest house would be over 100' away. Mr. Ginsburg added that there will be a 50' buffer regardless. Mr. Johnson stated that the single family option looks best but the affordability option looks intriguing. Mr. Johnson stated that there is no access to a dock. Mr. Ginsburg replied that is correct.

There were no questions from the audience.

MOTION - Mr. Anderson made a motion to recommend adoption. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

Article - Map 61, Lot 66 & Lots 1 & 2 – Andella

Attorney David Plunkett and Jim Andella appeared for discussion of the article. Attorney Plunkett stated that this article is to add the Village Mixed Use Overlay to the above referenced parcels. Attorney Plunkett handed out historical information on the Pike House including minutes from the Historic Commission. There is also a memo from Town Counsel dated March 31, 2016 that addresses the repetitive petition question. This article also ties into the use of the Pike House. This article is tied to the relocation and preservation of the Pike House. There is a significant cost to Mr. Andella to relocate the Pike House and the VMOD commercial uses are more restrictive. Attorney Plunkett also handed out a conceptual plan for the site. There is nothing final but this is a proposal. Time is of the essence because the demolition delay ends in August for the Pike House. If language would need to be changed in the article they would amend it at Town Meeting.

Mr. Fratalia asked how many town houses are proposed. Attorney Plunkett replied 15 with 2 bedrooms each. Mr. Fratalia asked if the cost to move the Pike House is known. Mr. Andella replied yes and it's all set.

Mr. Fowler stated that he is an advocate of keeping the Pike House. Mr. Fowler asked what portion of the Pike House will be saved. Mr. Andella stated that he plans on keeping the porch and main box and adding an "L" in the rear.

Mr. Anderson stated that he is not in favor of moving the Pike House to East Street and considers this spot zoning. This would not be fair to the neighbors. He likes the intent of having Mr. Andella move the Pike House but there is not a clear plan of what will happen to the Pike House and he cannot support this.

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Mrs. Reed stated that we have letters saying that the Historic Society supports the rezone but what is missing from the article is the permanent preservation of the Pike House with perhaps a deed restriction. When Mr. Andella went to the CPC to request money for the move, he was told that he was lacking a plan and what the Pike House would be used for. This was last year when time was of the essence and nothing was done. There was no commitment in October from Mr. Andella and there still isn't. This is the third time that he is trying to change the zoning but there is no commitment to preserve the Pike House. Even if this gets approved at Town Meeting, the timing of permitting can be a long process and she is not comfortable with this moving forward. We have done contract zoning in the past and this should have been done for this project.

Attorney Plunkett stated that this is not spot zoning, it is an overlay district. Preservation of the Pike House is a condition of the approval for this project and details will be in the permitting process. Mr. Johnson asked if the words "permanently preserve" could be added to address some of the concerns. Attorney Plunkett stated that permanent is a little difficult because there could be a fire or disaster that would be out of our control. Mrs. Reed stated that a permit can be appealed. This should have been worked out ahead of time and there are too many variables to approve this.

Mr. Johnson asked when the historic hold runs out. Mr. Sadwick replied it expires in August. Mr. Johnson stated that if the hold runs out and this zoning is not passed, then the Pike House is gone. Mrs. Reed stated that the discussion should have taken place months ago.

Attorney Plunkett stated that if this gets approved and moves forward, there will be significant funds and resources dedicate to this project.

Phillip Zerofski of 145 East Street – Mr. Zerofski stated that two members of the Historic Commission abstained from voting, so it was not unanimous. Mr. Andella told them his daughter was moving into the Pike House and now it will be used for commercial uses. This is spot zoning and will change the character of the neighborhood. The funeral home has been there for many years and this area is not setup for MFD. There is also a flood plain issue. He is opposed to this zoning and project and he shouldn't be allowed to subdivide the property. Mr. Zerofski asked what happens if this is approved and the Pike House doesn't get moved to this property. Mr. Johnson replied that if the Pike House does not get moved, then the zoning is nullified. Mr. Zerofski stated that the abutters were not notified. Mr. Sadwick stated that the public hearing was posted in the papers as required by law. It was posted in the Town Crier and Lowell Sun.

Kelly Sarno of 163 East Street – Ms. Sarno stated that she moved into a new house two years ago. She doesn't want to raise her family next to a commercial project. Ms. Sarno asked what the proposed use would be for the Pike House and she is opposed to rezoning this area. There are two dilapidated structures on this property now. Attorney Plunkett stated that Pike House will be part of a mixed use development and will be used for commercial uses. There will be a residential component of the project with townhouses in the back of the site. This project would still need to appear before Conservation and the Planning Board even if the zoning gets approved at Town Meeting. If this proposal is not approved, then the Pike House will be gone. Ms. Sarno stated that she does not believe that even if the zoning get approved, that he will be able to tear down the existing structures, get approval through the required boards and move the Pike House by August. Mr. Andella stated that is his plan. Mr. Fowler added that the portion of the existing Pike House to be moved is only a 40' x 30' box. The additions will not be moved.

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Jerry Hanson of 40 Lee Street – Mr. Hanson stated that he is opposed to the zoning change and the Pike House should not be moved to a residential area.

Mrs. Reed stated that she doesn't know what use or preservation of the Pike House will be. This is not the only way to preserve it. This type of project has been proposed two time and the neighbors are against it. Attorney Plunkett stated that someone could come in with another offer to move the Pike House. This is Mr. Andella's proposal; there is nothing else before the Board. Mr. Andella asked if there has been any other interest. Mr. Sadwick replied no.

Kay Zerofski of 145 East Street – Ms. Zerofski stated that when Mr. Andella first purchased the property he told us that there would be twenty condos or five houses. The preservation of the Pike House is just an excuse to get rezoning.

Mr. Fowler stated that there are a lot of steps to go through after Town Meeting if this gets approved.

Attorney Plunkett suggested amending the language of the article to stated "...requested VMOD Special Permit involves a plan which requires the relocation and preservation of the primary structure known as the "Pike House" ...".

MOTION - Mr. Fowler made a motion to recommend adoption as amended. The motion was seconded by Mr. Fratalia and voted 3-2 in favor. Mr. Fowler, Mr. Fratalia and Mr. Johnson voting in favor with Mrs. Reed and Mr. Anderson voting opposed.

Mrs. Reed stated that she does not think an overlay should correct zoning. The Planning Board can waive dimensional requirements.

Article - Section 6700

Mr. Sadwick stated that this article deals with the dimensional requirements for the Westside Neighborhood District (WNBD). Mr. Sadwick stated that this change allows the Planning Board to waive the dimensional requirements. This is more fine tuning of the bylaw.

Richard O'Neill of 70 John Street – Mr. O'Neill stated that he would like to thank the Planning Board for their hard work on this article and trying to make this a better bylaw.

Kim Duggan Scott of 27 Commonwealth Ave, Lowell, MA – Ms. Scott stated that she is direct abutter to the Crupi property. Ms. Scott stated that NMCOC has done a corridor study on Woburn Street and there were many sub-committee meetings. There was a lot of work done on this and Town Meeting approved the article, so why is one project being able to make changes to the bylaw. Mr. Sadwick stated that this is not project specific. This is a housing keeping matter to clean up the article. This article allows the Planning Board to reduce dimensional requirements such as frontage, height, setbacks, etc. Mrs. Reed stated that this language is similar to many places in the existing bylaw and allows us to flexibility to make a better project. The NMCOC study dealt with uses on the land. Mr. Johnson stated that this is a unique area and there are many different uses already in this area.

MOTION - Mr. Fratalia made a motion to recommend adoption. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Article - Section 7100

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Mr. Sadwick stated that this article allows MFD's to be built on private ways, adds the affordability requirement, allows waivers and changes the building height to match the dimensional table.

Richard O'Neill of 70 John Street – Mr. O'Neill stated that "that is open to public use" should be added after "private way" in Section 7121 to be consistent.

Mr. Anderson left the meeting.

MOTION - Mr. Fowler made a motion to recommend adoption with the addition of "that is open to public use" after "private way" in Section 7121. The motion was seconded by Mrs. Reed and voted 4-0.

MOTION - Mr. Fowler made a motion to table the remainder of Agenda Item D. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

(E) 1585 Shawsheen Street, Colucciello Masonry Construction Co., Inc. Site Plan Special Permit

MOTION - Mrs. Reed made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

Mr. Anderson rejoined the meeting.

Andrew Pojasek and Luigi Colucciello appeared for a Site Plan Special Permit at 1585 Shawsheen Street. Mr. Pojasek stated that the property is zoned Heavy Industrial. They are proposing building an 85' x 35' canopy. This will install a roof over the existing loading area. There will be no walls. The area is already paved and no new impervious surface will be added. There will be new drywells installed on either side of the canopy to catch the roof runoff.

Mr. Sadwick noted that this was not sent out for an IDR because of the low impact.

Mr. Fowler and Mrs. Reed were all set.

Mr. Fratalia asked if there is parking on the left hand side of the building. Mr. Colucciello replied no. Mr. Fratalia asked if it will be the same contour of the existing building. Mr. Pojasek replied yes.

Judith Bowen of 1561 Shawsheen Street – Ms. Bowen stated that she has a concern because there already is a problem with noise. They have forklifts running in the middle of the night and she is concerned this will add more noise. She was told by a neighbor that the Heavy Industrial noise does not have a noise bylaw. Mr. Colucciello stated that his hours of operation are Monday through Friday 7 AM to 5 PM and 7 AM to 2 PM on Saturday. They are closed on Sunday. The only time they work after hours is if they have to plow.

Arlene Perreira of 28 Old Stage Coach – Ms. Perreira asked if the outside wall will be where the train comes in and if that will make it echo more. Mr. Johnson stated that this structure has no walls, so it should not affect the noise of the trains.

MOTION - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to approve the Site Plan Special Permit for 1585 Shawsheen Street for a 85' x 35' canopy over the existing loading dock as presented with the

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stipulation in hours of operation be Monday through Saturday 7:00 AM to 7:00 PM and closed Sunday. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(F) **1583 Andover Street, 1593 Andover Street, 1605 Andover Street, The Daly Group, LLC and 30 International Place, North Tewksbury Commons, LLC Special Permit and Site Plan Special Permit**

MOTION - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Attorney Jay Lee, Matt Hamor, David Daly and Jonathan Miller appeared for the Site Plan Special Permit and Special Permit for 1583 Andover Street, 1593 Andover Street, and 1605 Andover Street.

Attorney Lee stated that the Board approved a special permit in the fall of 2014 which included a donut shop on the abutting property. Part of that approval included a triangle parcel that was going to be part of a land swap. The land swap may not happen but they are still actively working on it.

Mr. Hamor stated that this application is for a proposed 3,000 SF office building, a 10,000 SF daycare, an ATM kiosk building and a new access way to 30 International Place. This application would amend the existing special permit for the daycare, a new special permit for the office building, a new special permit for the ATM kiosk and amend the special permit for 30 International Place. Mr. Hamor stated that Lowell 5 plans to move their corporate office to 30 International Place. The architectural detail on all three buildings will include columns, copula and a 4' field stone apron around the bottom of the buildings. The ATM kiosk will also have dog house dormers. The day care has not changed since the original Special Permit.

Mr. Hamor stated that they had an IDR meeting and have incorporated the comments. They then met with Engineering and they had additional questions regarding drainage and storm water management. They will fully address these concerns next week. There was also a question about queuing of the vehicles. The left hand turn lane can queue up to 4 or 5 vehicles. A traffic report was done.

Mr. Fowler stated that he is confused with the daycare building. The new office and kiosk have beautiful architectural design and the day care is white. Mr. Daly stated that the architect for the daycare is not his architect. He will make the details for the daycare match his two other buildings. Mr. Fowler asked if the angled lot was included at the time of the previous special permit to access the other lot. Mr. Hamor replied yes. Mr. Fowler asked if an ANR was needed. Mr. Hamor replied that they are still working on that. Mr. Daley stated that they have a set of plans showing the utility and access easement but if that does not work out then they have a Plan B.

Mr. Fratalia stated that he loves the architecture of the new buildings. Mr. Fratalia asked if they think a lot of people would use the connection to International Drive. Mr. Hamor replied he does not think so. Lowell 5 has said that their employees will use the entrance off of International Drive.

Mr. Anderson stated that Lowell 5 will be using the existing building on International Drive. Mr. Hamor replied yes, they will occupy 1,500 SF. Mr. Anderson asked if there is a possibility of retail in the office building. Mr. Daly replied no, it will be a medical or dental office. Mr. Daly added that the land swap does not happen; access to the donut shop will be removed.

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Mr. Johnson stated that he echoes the concern with the daycare building. If the land swap does not happen, will that alter the access to International Drive? Mr. Hamor replied yes, it would have to be modified as well as the location of the day care building. Mr. Johnson stated that the cross access easement was very important to the design of the project.

Mr. Fowler asked if they will be keeping the left turn in front. Mr. Hamor replied that they are still working on that.

David Wahr, owner of 30 International Place – Mr. Wahr stated that Andover Street is wide enough to accommodate three lanes starting at Wendy's.

Kevin Kacamburas of 1550 Andover Street – Mr. Kacamburas stated that he is concerned with people using the cut through and asked if any additional traffic lights are proposed. Mr. Hamor stated that no lights are proposed. Mr. Kacamburas stated that people will use the path of least resistance. If there is less traffic, they will use the cut through.

MOTION - Mr. Fowler made a motion was continued until May 9, 2016 at 7:05 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(G) Administrations Actions Part II

(G1) 1700 Shawsheen Street, Non-Substantial Change

Attorney Richard O'Neill and Joseph Germano appeared for the discussion of non-substantial changes for 1700 Shawsheen Street. Attorney O'Neill stated that they are here to discuss the signs located on this site. This site has Gateway Carwash, Energy North corporate offices, Citgo, Subway and Dunkin Donuts. They received a violation letter for signs onsite without a permit and this included pictures. They appealed the violation but after discussion with Town staff, they decided to come before the Board. The violation is on hold until this is worked out. The Building Commissioner has said that no permits will be issued until this is worked out. Attorney O'Neill stated that they can have attached signs on three of the walls according to the bylaw. If this would be considered a shopping center, then they could have two 60 SF free standing signs. The interior signs are directional signs to help cars get around the site. A variance was given for the Dunkin Donuts menu board sign.

Mr. Germano stated that the entrance is now 30' down on East Street and is now an in/out. This was changed and is now confusing to get to the car wash.

Mrs. Reed stated that she understands the need to some internal signs but why do they need to be so big and why does open 24 hours need to be on every sign. It seems like it is a combination of things. Mr. Germano stated that he wants the signs to stand out and they are internal so he should be allowed to do it.

Mr. Anderson stated that he would like to see some of the signs removed and have this cleaned up. Mr. Anderson asked what the status of the violation is. Attorney O'Neill stated that it is on hold until this is straightened out.

Mr. Fratalia stated that there are a lot of signs and the site should be looked at in total. Mr. Germano stated that the sign on the car wash bay is there because the door is down in winter and it looks like it is closed.

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Mr. Johnson asked what signs could not be issued permits. Attorney O'Neill stated that Citgo is rebranding and they were told that no permit is being issued until this was straightened out. Attorney O'Neill stated that they could come back with an amended the Sign Special Permit and include all signs on the site. Mr. Johnson stated that sign #15 appears to be confusing. Mr. Germano stated that is there to direct people who are coming from the gas station. Mr. Germano added that all the Citgo signs should go away when they modify their signs. Mr. Johnson stated that there are a lot of signs on this property and they should be cleaned up. If this many directional signs are needed, then we have a bigger issue.

Mr. Fowler stated that we should do a site visit. There are a lot of signs and some should be removed or changed. Mr. Germano stated that this is private property and he should be able to have as many directional signs as possible.

Mr. Anderson asked Mr. Sadwick if he would follow up with the Building Commissioner to see which signs are in violation. Attorney O'Neill stated that he would do a site plan showing the location of all the signs.

Attorney O'Neill asked that this be tabled until the next meeting, which the Board does a site visit and he would provide a plan showing the location of all the signs.

(G2) 1768 Main Street, Non-Substantial Change

Jim Dean appeared for a non-substantial change at 1768 Main Street. Mr. Dean stated that O'Reilly Auto Parts is going to take the open space at 1768 Main Street. They would like to modify the front façade of the building including the awning structure. They have their own branding and they would like to remove the front awning, add a store front with window and glass and paint the block.

Mr. Fowler stated that he is glad that this space will be occupied but asked what the material is around the entry way. Mr. Dean replied stucco. It will be red with tan block on top and dark tan below. The drive-through was also blocked up. Mr. Fowler asked what the hours of operation would be. Mr. Dean replied that it would be the standard retail hours.

Mr. Anderson asked if they would be taking the entire addition. Mr. Dean replied yes. Mr. Anderson asked if they would be taking two entrances and making into one entrance. Mr. Dean replied that was correct.

Mr. Fratalia asked if the drainage issue out back has been resolved. Mr. Fowler replied yes, this was taken care of when the new swail was added. Mr. Fratalia asked if there was a ramp in back. Mr. Dean replied no, there is a door on the side.

Mrs. Reed stated that she does not like the style and wants the existing roof to remain. She does not like the split block on Main Street. She would want to keep the style, maybe not the exact style but similar.

Mr. Fowler agreed. They could revise the dormer on the overhang. The design may have to move a bit but it should be consistent with the rest of the building.

Mr. Johnson stated that agreed with Mrs. Reed and Mr. Fowler. We approved the building based on a style of the building and we have been flexible but there is a design standard idea for Main Street and this proposed change is pretty drastic.

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Mr. Dean replied that he understands but there is a branding issue also. Is the canopy removal the biggest issue? Mr. Johnson replied it is for him and asked that they look at working within the existing architecture. Mr. Dean asked if this could be continued until the next meeting and he will work on the design.

(G3) Wamesit Indian Park

Mr. Sadwick stated that MDR won the bid and they have requested some substitutions. They would like to change the benches and bike racks. The sidewalks were installed by Mass DOT and the plan calls for curbing, sidewalks then boulders but they would like to do curbing, boulders then sidewalk. Mrs. Reed stated that she is fine with the benches and bike racks and then going to curb, boulders and sidewalk that would eliminate an inside sidewalks. Mr. Sadwick replied that was correct. Mrs. Reed said she has no issues with the changes. Mr. Fowler also had no issues.

(G4) 108 Pike Street Settlement Agreement

Mr. Sadwick stated that a settlement has been proposed and gave a history of the property. They are proposing three duplex units. There is a demo delay in place by the Historic Commission. There was a stipulation that the Planning Board be notified of the action and they were not. The question is does the Board want to take action. The Board agreed no action will be taken.

(D) Zoning Amendment Public Hearing for May 2, 2016 Annual Town Meeting Continued

MOTION - Mr. Fowler made a motion to take Agenda Item D off the table. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Article – Sections 7535 and 7254

Mr. Sadwick stated that this article is a housekeeping article. This addresses affordable housing.

MOTION - Mr. Fratalia made a motion to recommend adoption. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

Article – Section 8606

Mr. Sadwick stated that this article expands the definition of mixed use so it is consistent in all overlays. Mrs. Reed stated that “primarily” should be removed from all districts that is in the new text.

MOTION - Mr. Anderson made a motion to recommend adoption as amended. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

Article – Section 8120

Mr. Sadwick stated that this article includes the new flood maps from FEMA.

MOTION - Mr. Anderson made a motion to recommend adoption. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Old Business

There was no old business.

PLANNING BOARD MINUTES

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New Business

There was no new business.

Director's Report

There was no Director's Report.

Adjournment

MOTION - Mr. Fowler made a motion to adjourn the meeting at 11:45 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Approved on: 5/23/16

*List of documents for 4/4/16 Agenda
Documents can be located at the Community Development Office*

- A.** Approval of Minutes – February 22, 2016
- B. 7:00** Committee Reports/Administrative Actions Part I
- 1- Committee Reports
 - 2- Town Center Master Plan Committee Request
 - Request from Town Center Master Committee dated March 30, 2016
 - Hanover (Ames at Lodge Pond) comprehensive permit condition
 - 3- Joan's Farm SPSP 2015-13 Clarification
 - Letter 4/1/16 fr Richard Cuoco
 - 4- ANR Livingston St, Blue Spruce Lane, Magna Vista Circle
 - Application dated March 30, 2016
 - Plans dated March 30, 2016
- C. 7:00** 2550 Main Street, Verizon Wireless Communication for Ronald White and Thomas Ratacik - Continued Special Permit
- Response to RFP for existing pole at 2342 Main Street
 - Notice to proceed to be sent out prior to COB on 4/4/16
 - Recommend continuing until 4/25/16 to keep open in during lease negotiations
- D. 7:10** Zoning Amendment Public Hearing for May 2, 2016 Annual Town Meeting
- Zoning By-Law Amendment Articles before Annual Town Meeting.
 - Article - Section 6700 (PB)
 - Article - Section 7100 (PB)
 - Article - Sections 7535 and 7254 (PB)
 - Article – Sections 8606.4, 8624.4, 8644.4 and 8660.4 (PB)
 - Article - Section 8120 (PB)
 - Article – Map 66, Lots 11 & 12; Map 51, Lot 7 (Ginsburg/Martel)
 - Article – Map 61, Lot 66, Lots 1 & 2; Section 8651 (Andella)
- Town Counsel correspondence regarding Andella East Street article dated 3/31/16 attached
Village Mixed Use Concept Plan 1D, 155 East Street, prepared by Woodland Design dated 3/20/16*
- E. 7:20** 1585 Shawsheen Street, Colucciello Masonry Construction Co., Inc. Site Plan Special Permit
- Application packet dated 3/3/16.

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F. 7:30

1583 Andover Street, The Daly Group, LLC
1593 Andover Street, The Daly Group, LLC
1605 Andover Street, The Daly Group, LLC
30 International Place, North Tewksbury Commons, LLC
Special Permit and Site Plan Special Permit

- Application packet dated 3/4/16.
 - IDR held 3/22/16
 - Memo 3/10/16 fr Fire Depart re: site plan special permit- 1593 Andover St.
 - Memo 3/30/16 fr Fire Dept re: site plan special permit-1605 Andover Street.
 - Memo 3/30/16 fr Fire Dept re: site plan review
- Hardiman Correspondence dated 4/1/16
- Sadwick Correspondence dated 4/1/16
- TEPP LLC Traffic Assessment dated 3/31/16
- Landscape Planting Plan dated 3/29/16
- TEC Traffic Peer Review dated 4/4/16
- Memo fr Police Dept dated 3/22/16

G.

Administrative Actions Part II

1- 1700 Shawsheen Street Non-Substantial Change

- Applicant seeking ability to keep signs installed without building permit that are in excess of what is allowed under the bylaw
- Application dated 3/25/16 attached
- Photos attached

2- 1768 Main Street Non-Substantial Change

- Proposed tenant of a new constructed Aubut's plaza extension seeking to modify exterior of building.
- Application dated 3/30/16 attached.

3- Wamesit Indian Park

- Meet with contractors at beginning of week. Looking for substitution of Keystone equipment.
- MassDOT has set sidewalk on Old Main St. that is not in compliance with the plans

4- 108 Pike Street Settlement Agreement

- Agreement for judgement enclosed
- Letter to J Andell fr Tewksbury Historical Society dated 3/31/16
- Minutes 1/26/16, Tewksbury Historical Society Board of Directors
- Minutes 2/23/16, Tewksbury Historical Society Board of Directors